HON'BLE SRI JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.7377 OF 2006

DATE:17.04.2006

Between:

Shaik Valiya Saheb

..... PETITIONER

AND

The Collector and District Magistrate,

Guntur & three others.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.7377 OF 2006

ORDER:

Petitioner is the fair price shop dealer of Pasumarru village, Chilakaluripet Mandal, Guntur District. On the allegation that the petitioner had diverted 44 bags of PDS rice into black market, the third respondent-Revenue Divisional Officer suspended the authorization of the petitioner on 05.01.2005 vide proceedings in Rc.No.38/05-B. After considering the explanation of the petitioner pursuant to the show cause notice, the third respondent cancelled the authorization of the petitioner on 27.6.2005 vide his order in Rc.No.2428/04-B. Against the cancellation orders, the petitioner preferred an appeal along with stay application before the second respondent-Joint Collector on 28.7.2005. So far, as no orders have been passed even on the stay application, petitioner moved this court by way of writ petition questioning the cancellation of his authorization by the third respondent.

It is well settled that when a statutory appeal is filed and pending, the same cannot be subject matter of writ petition under Article 226 of the Constitution of India. Hence, no directions can be issued in this writ petition as sought for, except directing the appellate authority to dispose of the stay petition and the appeal, as the case may be, at an early date. (see ***BMRDA v. GOKAK PATEL VOLKART*** (1995) 1 SCC 642).

Under the above circumstances, the second respondent is hereby directed to dispose of the stay application within two weeks, if not already disposed of, and dispose of the appeal within a period of two months from the date of receipt of a copy of this order. It is needless to say any interim arrangement made pending appeal will be subject to result of the appeal.

The writ petition is disposed of with the above direction. No costs.

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A. GOPAL REDDY, J

17th APRIL, 2006.

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